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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,593	10/23/2003	Takashi Nomura	01-492	6744
23400	7590	01/12/2005	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			JENKINS, JERMAINE L	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,593

Applicant(s)

NOMURA, TAKASHI

Examiner

Jermaine Jenkins

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10232003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tokunaga et al (5,945,606).

In regards to claims 1, 13 & 14, Tokunaga et al teaches an elastic member (1) for attaching a sensor device (3) having a sensor protrusion portion (2) into a through hole (40) of a sensor attachment member (4) in such a manner that the elastic member is temporarily assembled onto the sensor protrusion portion (2) and inserted together with the sensor protrusion portion (2) into the through hole (40) so that the sensor device (3) is attached to the sensor attachment member (4) through the elastic member (1) (Column 5, lines 6-28; See Figure 1), the elastic member (1) comprising: a hollow portion (23) having an inner circumferential surface for being temporarily assembled onto the sensor protrusion portion (2) (Column 6, lines 20-25); and a rear end portion (18) having a rear end flange (19) and a bead portion, wherein the rear end flange (19) protrudes from an outer circumferential surface of the rear end portion (18) for locking on a peripheral portion of one end of the through hole (40) and wherein the bead portion is elastically deformable and protrudes from either or both of one surface of the rear end flange facing the

Art Unit: 2855

sensor device and the other surface of the rear end flange (19) facing the sensor attachment member (Column 5, lines 45-54; See Figures 6C & 7).

With respect to claims 2 & 15, Tokunaga et al teaches an elastic member (1) having a fore end portion (11) including a fore end protrusion (12) and a fore end flange (13) (Column 5, lines 21-28); and an intermediate portion (14) having an intermediate protrusion (15) for covering at least part of the sensor protrusion portion (2) (Column 5, lines 45-51), wherein the fore end protrusion (12) protrudes from the inner circumferential surface of the hollow portion for engaging with a concavity disposed on a fore end side of the sensor protrusion portion (2), wherein the fore end flange (13) protrudes from an outer circumferential surface of the fore end portion (11) for locking on a peripheral portion of the other end of the through hole (40), and wherein the intermediate protrusion protrudes from at least the inner circumferential surface of the hollow portion (See Figure 1).

With respect to claims 3-6, Tokunaga et al teaches wherein the bead portion (19a) is integrally molded with the rear end flange (19), wherein the bead portion (19a) is an annular projection, wherein the bead portion (19a) is composed of a plurality of projections having the same shape, and wherein the bead portion (19a) is disposed on a periphery of the rear end flange (19) (See Figure 1).

With respect to claim 7, Tokunaga et al teaches wherein the elastic member (1) is rotation-symmetrical around a center axis of the elastic member, the center axis being along with a direction of insertion of the sensor protrusion portion (Column 5, lines 6-28; See Figures 2 & 3).

With respect to claim 8, Tokunaga et al teaches wherein a height of the bead portion (19a) from the surface of the rear end flange (19) is equal to a total length obtained by adding a predetermined margin and an upper limit value of tolerance of a length of part of the elastic member (1) that contacts an inner circumferential surface of the through hole (40) (Column 5, line 55-Column 6, line 8).

With respect to claims 9 & 16, Tokunaga et al teaches wherein the intermediate portion (14) further includes a thick portion disposed between the intermediate protrusion (15) and the rear end flange (19), thickness of the thick portion is thicker than thickness of the intermediate portion (14) (See Figure 3).

With respect to claims 10 & 17, Tokunaga et al teaches wherein the thickness of the thick portion is equal to or thinner than thickness of the intermediate protrusion (15) (See Figure 3).

With respect to claims 11, Tokunaga et al teaches the bead portion is an annular projection and disposed on a periphery of the rear end flange (19) (See Figures 1-3).

With respect to claims 12, wherein the intermediate protrusion protrudes from both of the inner circumferential surface of the hollow portion and the outer circumferential surface of the intermediate portion so that the intermediate protrusion is an annular projection (See Figures 1-3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 571-272-2179. The examiner can normally be reached on Monday-Friday 8am-430pm.

Art Unit: 2855

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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